

March 2009



## Court ADA, Accommodation and Access Program (CAAAP) Equal justice through access

*“Access Benefits Everyone”*

Carol Maher, ADA, Access & Accommodation Coordinator

### **Access to Justice Board Impediments Committee Efforts:**

**Access Coordinator for the Courts:** In 2006, Committee members worked with AOC staff to develop a budget proposal to create an Access Coordinator for the Courts. Committee members advocated for funding of this position, and managed to secure funding in 2008. Carol Maher became the first Access Coordinator for the Courts in August, 2008.

**Historic Courthouses:** The Impediments Committee worked closely with the Historic Preservation Trust on its successful proposal for an allocation of an additional \$5 million for projects to preserve and restore historic courthouses. The legislature included provisions that all projects be reviewed to ensure that they meet ADA accessibility requirements. Carol Maher was asked to perform design reviews on historic courthouses for the Historic Preservation Trust, and will continue to do so in the future.

**Statutory Definition of “Disability”:** The Impediments Committee also succeeded in helping to restore the definition of “disability” used in the Washington Law against Discrimination (WLAD). That definition became law on July 22, 2007.

**General Rule 33:** General Rule 33 (GR 33), a court rule that standardizes the process for requesting reasonable accommodations from the courts, was drafted by the Impediments Committee and went into effect on September 1, 2007.

See the 2008 Access to Justice Board Annual Report for more information on the Impediments Committee at:

<http://www.wsba.org/atj/documents/2008annualreporttosupremecourtandboq.pdf>

## Symbols of Access

Person who uses a cane (low vision)  
Person actively using a wheelchair  
Symbol for teletype device (TTY/TTD)  
Brailled materials available on request  
Closed captioning available on request  
Assistive listening equipment available on request



## Court ADA, Access & Accommodations Coordinator



## RCW 2.56.210:

### Duties of the Court Access & Accommodation Coordinator

1) Washington state courts are required by chapter 49.60 RCW, the law against discrimination, and by 42 U.S.C. Sec. 12101 et seq., the Americans with Disabilities Act, to provide equal access to persons with disabilities. To assist the courts to comply with these laws, the administrative office of the courts shall, subject to the availability of funds appropriated for this purpose, create the position of court access and accommodations coordinator.

(2) The coordinator shall:

(a) Review the needs of courts statewide for training and other assistance required to provide access and accommodation for persons with disabilities;

(b) Provide guidance and assistance upon request;

(c) Identify appropriate assistive devices and establish a system to improve courts' access to such devices.

(3) In carrying out the duties under this section, the coordinator shall consult with persons with disabilities, and shall facilitate communication between the administrative office of the courts and such persons and their representative groups.

[Laws 2008 c 148 § 1.]

**March 1, 2009**

**Message from the:**

**Court ADA, Access & Accommodation Coordinator**

Over the last six months, the Court Access & Accommodation Program has made great strides in accomplishing the goals set out in RCW 2.56.210.

A survey of the courts identified 70 ADA and Access Coordinators, at least one person from each county. Along with identifying an ADA Coordinator, the Survey asked each county / court to identify their training needs. Three topics were identified:

1. GR 33, Reasonable Accommodation
2. Assistive Technology
3. Physical Access and Universal Design.

Training is being developed on all three topics, and the training schedule for the year will be determined in March 2009.

In 2008, presentations on GR 33, access and reasonable accommodation were made to the Court Management Council (CMC), Association of Washington Superior Court Administrators, (AWSCA), Institute for New Court Employees (INCE), District and Municipal Court Judges (DMCJA) and Spokane Superior Court.

Technical support, guidance and assistance to local ADA and Access Coordinators began immediately. To date, the requests for technical support have been distributed equally between large and small courts.

Development of a website that will address Assistive Technology is progressing. The website will include information on how to provide and use assistive technology, along with the costs related to its purchase and use. There will also be a section on scheduled maintenance and question and answers that encompass "best practices".

I am excited to continue to identify and develop ways to assist the Washington courts in this critical area, which has also been identified as a high priority for the new Obama Administration.

Respectfully,

Carol Maher,  
Court Access & Accommodation Coordinator

August 1, 2008

Carol Maher became the first ADA, Access & Accommodation Coordinator for the Washington Courts.

Carol came to AOC from General Administration, where she was the ADA Facilities Program Manager for the past ten years.

## Video Technology for ASL Interpreting



### **A History of Access in Washington State Courts**

Courts in Washington State have long been providing access and accommodations to people with disabilities. However, it was not until *Tennessee vs. Lane* (2004) ([http://www.oyez.org/cases/2000-2009/2003/2003\\_02\\_1667/](http://www.oyez.org/cases/2000-2009/2003/2003_02_1667/)) that the U.S. Supreme Court held that state courts can be sued by private citizens for violating Title II of the ADA (which

requires governmental entities to provide access and accommodations for programs and services to persons with disabilities).

In addition, Section 504 of the Rehabilitation Act of 1973 provides that no individual with a disability "solely by reason of her or his disability, shall be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Because most, if not all, cities and counties receive federal funding, courts in cities and counties that receive such funding are also subject to the nondiscrimination requirements of Section 504.

Also, the Washington Law against Discrimination (WLAD) and the Washington State Building Code (WAC 51-10) have been in place for decades. WAC 51-10 became effective in 1967; thus physical access should have been part of any court building built after 1967. However, many of the courthouses in the state were built prior to 1967, so access was not part of the building code at the time they were constructed.

The ADA passed in 1990, and required governmental entities to conduct a Self-Evaluation which provides information on when buildings (including courthouses) were to be remodeled to provide basics such as accessible entrances, access to courtrooms, restrooms and meeting rooms.

Several Washington studies confirmed that persons with disabilities still have difficulty achieving access to some facilities and services in Washington courts:

1999 - Civil and Legal Rights Subcommittee of Governors' Committee on Disability Issues and Employment (GCDE) reviewed court access.

2000 - WSBA Court Improvement and the ATJ Impediments Committee conducted a survey of court officers, attorneys, and users of courthouses throughout the state.

2003 - Supreme Court conducted civil legal needs study.

2008 - A survey of polling places in courthouses was completed.

All these reviews confirmed that many courts and court programs could improve in the area of accessibility.

More than 940,000 people in Washington have disabilities. This is a substantial proportion of our state population of over six million.

Finally, the Civil Legal Needs Study shows that people with disabilities experience legal problems with a discrimination component at a significantly higher rate than many other low-income groups, and that low-income persons with disabilities are among the least likely to secure legal help from an attorney.

#### Accessible Court Room



#### What the Law Says

Generally: Access to the courts is a fundamental right under the state and federal constitutions. State and federal statutes require that people with disabilities be afforded equal access to courthouses, courtrooms, and court services. Their access must be just as effective as the access provided to other members of the public.

#### Sources of the Law

The Americans with Disabilities Act

<http://www.ada.gov/>

International Code Council, International Building Code and Standards (ANSI 117.1)

<http://www.iccsafe.org/cs/standards/a117/index.html>

Human Rights Commission, Washington Law Against Discrimination

<http://www.hum.wa.gov/DisabilityMatters/index.html>

*Access to the courts is a fundamental right under state and federal constitutions.*

GR 33 – Reasonable Accommodation for Washington Courts

[http://www.courts.wa.gov/court\\_rules/?fa=court\\_rules.display&group=ga&set=GR&ruleid=gagr33](http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=GR&ruleid=gagr33)

The State Supreme Court Access to Justice Technology Principles

<http://www.wsba.org/public/atjtechnologyPrinciples.pdf>

The United States Constitution

<http://www.constitution.org/constit .htm>

The Washington Constitution

<http://www.leg.wa.gov/LawsAndAgencyRules/constitution.htm>

Finally, GR33 is designed to ensure that Washington courts will provide a consistent process for persons with disabilities who are participants in a court proceeding to request a reasonable accommodation.

### **ADA, Access & Accommodation Technical Assistance Group (A3TAG)**

The purpose of the A3TAG and what it will do:

- To provide practical advice and input to the AOC Access Coordinator in supporting trial courts to provide access and accommodations for persons with disabilities (PWD's) in accordance with the ADA, WLAD and GR 33.
- To review and advise on access and accommodation issues that arise in the Washington Courts.
- To advise and assist in the development of training for ADA Coordinators and other staff of the Courts.
- To advise and assist in conducting a review and analysis of customer needs and satisfaction.
- To review the needs of courts statewide for training and other assistance required to provide access and accommodations for persons with disabilities.
- To identify appropriate assistive devices and establish a system to improve courts' access to such devices.

### **Counties and their Courthouses**

Each of the thirty-nine County Courthouses has local character.

Many of the courthouses are historical and present unique challenges to physical access. Some of the counties and their courthouses are small and employ only a few people, and issues with access are few and far between.

Other counties, such as King County, have Assistive Listening Equipment in their courtrooms and have a large number of interpreter cases each year.

Every county and court has its own way of providing services, and it can be challenging to try to develop uniform procedures in such a diverse environment.

The Court Access and Accommodation Coordinator's goal is to develop a framework of uniform procedures to assist the courts of each county to ensure that all individuals with disabilities receive services equal to those received by people who do not have a disability.

